

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:06CR50
)
v.)
)
RUDOLPH GEORGE STANKO,) ORDER
)
Defendant.)
)

This matter is before the court on defendant's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (§ 2255 motion). (Filing No. 275). The court has not sentenced defendant in this case; therefore, the § 2255 motion is denied as premature.

IT IS ORDERED:

1. That defendant's § 2255 motion (Filing No. 275) is denied without prejudice;
2. The Clerk of Court shall send a copy of this Memorandum and Order to defendant at his last known address.

DATED this 5th day of February, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge